

REMARKS

The September 26, 2005 Office Action regarding the above-identified application has been carefully considered, and the claim amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action. For reasons discussed below, it is believed that this case is in condition for allowance. Prompt favorable reconsideration of this amended application is requested.

Claim 28 has been amended to delete the unnecessary + sign, as requested by the Examiner.

Applicant notes with appreciation that the Examiner allowed original application claims 13-24 and indicated that claims 2, 6, 7 and 10-12 would be allowable if recast in independent form. However, associated the 'notes' citing specific lines of claims 13 and 21 should not be construed as justifying any narrow interpretation or as creating any estoppel. By amendment above, claim 2 has been recast in independent form by incorporating the original requirements of claim 1. Hence, claims 13-24 and 2 should now be allowable, as indicated.

Claims 6, 7 and 10-12, however, remain in their original form. These claims all depend directly or indirectly from independent claim 5. For reasons discussed below, it is believed that original claim 5 is patentable. Hence, claims 6, 7 and 10-12 also should be allowable, without the need for rewriting them in independent form.

The Office Action included a rejection of original claim 25 under 35 U.S.C. §102(b) as anticipated, or in the alternative under 35 U.S.C. §103 as obvious, over Fig. 3A of US Patent No. 5,598,358 to Gender et al. (hereinafter Gender). The Office Action also included a rejection of claim 25 on the same grounds, but over Fig. 6A of the Patent to Gender. Rejected claim 25 has been cancelled, therefore the rejections thereof should be moot.

Claims 26-28 were rejected under 35 U.S.C. §103 as obvious over Gender. The rejection of these claims purportedly relies on comments about Gender set forth in the earlier rejections (of claim 25). The cited drawings of the Gender patent disclose a cast aluminum fixture 42 (Fig. 3A) and a box-shaped stamped steel pan 55 (Fig. 6A) supporting rotatable axles, which can support alignment heads during calibration operations. The rejection of claims 26-28 apparently is based on an earlier allegation (re 25) that the casting 42 and/or the pan 55 are (or obviously could be) portable and sized to approximate the width and track of an automobile. The Office Action rejected claims 1, 3-5, 8 and 9, and further rejected claims 25-28, under 35 U.S.C. §103 as obvious over a DSP400 document (apparently referring to Hunter Engineering Co. Product Literature – Form No. 4346T, “DSP400 Series Sensors,” dated March, 2001) in view of either Gender or US Patent No. 6,427,346 to Stieff et al. (hereinafter Stieff). All of the obviousness rejections are traversed. It is respectfully submitted that claims 1, 3-5, 8, 9, 26 and 28 are patentable over the art cited in the various rejections. A detailed explanation follows.

Independent claim 1 has been amended to indicate the spacers can be detached as well as attached. Hence, the certification apparatus of claim 1 includes *inter alia* two side spacers of equal length, each end of each of the two side spacers having an opening for receiving one of the stub shafts, to ***allow attachment*** of the two side spacers to the ends of the axles to thereby form a parallelogram frame from the axles and side spacers, ***and to allow detachment*** of the two side spacers from the stub shafts of the axles to disassemble the frame. It is respectfully submitted that the combination of documents applied to reject claim 1 would not meet this requirement for the ability to attach and detach the spacers to the ends of the two axles, as recited in the independent claim.

As noted above, claim 1 was rejected as obvious over the DSP400 document in view of either Gender or Stieff. The Examiner apparently interpreted the DSP400 document as disclosing a calibration apparatus having two axles for mounting targets and concludes that it would have been obvious to connect the axles with spacers in view of the box shaped calibration frames disclosed by Gender (Fig. 3A) and Stieff (Fig. 4). It is respectfully submitted that this interpretation of the DSP400 document is incorrect. The DSP400 document actually discloses a fixture with only one axle (see illustration on page 1), which is moved between various positions during a calibration operation (see sections 2.3 to 2.5 on pages 6-14). Front targets are mounted on the one axle during a first part of the procedure (see section 2.3 on page 6), and rear targets are mounted on the one axle during a second part of the procedure (see pages 12-14). The rejection cited page 18 of the DSP400 document for an alleged disclosure of a frame supporting front and rear targets. That is not what page 18 shows. To the contrary, page 18 shows the fixture with the single axle at various positions on the lift. The DSP400 document does not disclose an apparatus with two axles and two connected side spacers. The secondary documents by Gender and Stieff apparently disclose rigid structures.

Hence, there is no teaching in any of the documents applied to reject claim 1 of couplers allowing attachment and detachment of two side spacers to two axles, as recited in independent claim 1. Claim 1, and claims 3 and 4 which depend from 1, therefore patentably distinguish over the DSP400 document, Gender and Stieff. Applicant therefore submits that the rejection of claims 1, 3 and 4 should be withdrawn.

Claim 5 includes the following recitation:

a coupler at each end of each of the two side spacers, allowing attachment of the two side spacers to ends of the two axles, to thereby form a parallelogram frame from the axles and side spacers, and to allow detachment

of the two side spacers from the ends of the axles **to disassemble the frame;**
(emphasis added)

Claim 5, in its original form therefore recited two axles, two side spacers and couplers to allow attachment and detachment of the spacers to the axles, to form the frame and to disassemble the frame. The proposed combination of the DSP400 document with either Gender or Stieff does not disclose an apparatus or fixture with axles and spacers and couplers to allow assembly (forming the frame) and disassembly of the frame, in the manner recited in claim 5. As discussed above, the DSP400 document discloses a fixture with only one axle, which is moved between various positions during a calibration operation. Front targets are mounted on the one axle during a first part of the procedure, and rear targets are mounted on the one axle during a second part of the procedure. The secondary documents by Gender and Stieff apparently disclose only rigid structures. Such secondary documents would not teach one of skill in the art to modify the DSP400 fixture so as to produce a jig for use in certification of accuracy of a vehicle wheel aligner system, which includes two axles, two side spacers and couplers facilitating assembly and disassembly, in the manner recited in claim 5. Hence, claims 5, 8 and 9 patentably distinguish over the applied art, and the obviousness type rejection of those claims is improper and should be withdrawn.

Claim 26 has been amend amended to include the assembly and disassembly limitations of former dependent claim 27 (which has been cancelled). Claim 26 recites a method of certifying calibration of a wheel aligner. As amended, the first step recited is **assembling** connectable spacers and axles of a portable jig, so as to form the jig into a precise known vehicle-sized shape. The method also involves positioning measuring heads of the wheel aligner at locations on the assembled jig, recording an alignment measurement of the jig with the wheel aligner, comparing the measurement to known geometry of the jig and determining accuracy of

the wheel aligner from the comparison. As amended, the last step recited is **disassembling** the jig, after determining the accuracy of the wheel aligner. It is respectfully submitted that the applied art does not teach or fairly suggest the recited assembling and disassembling steps.

As noted above, claims 26 and 28 were rejected as obvious over Gender. The cited drawings of the Gender patent disclose a cast aluminum fixture 42 (Fig. 3A) and a box-shaped stamped steel pan 55 (Fig. 6A) supporting rotatable axles, which can support alignment heads during calibration operations. Both structures apparently are rigid. With regard to claim 27, the rejection only noted axles 43, 44 and elements 45, 46 and 42. The rejection did not indicate and it is not seen where or how the disclosure of axles and other elements in Gender provides a teaching of assembling connectable spacers and axles of a portable jig, so as to form the jig into a precise known vehicle-sized shape, and disassembling the jig after determining the accuracy of the wheel aligner, as expressly recited in claim 26. Hence, Gender alone would not render claims 26 and 28 unpatentable.

As noted above, the Office Action further rejected claims 25-28 as obvious over the DSP400 document in view of either Gender or Stieff. Again, the DSP400 document only discloses a fixture with one axle, which is moved between various positions during a calibration operation. The secondary documents by Gender and Stieff apparently disclose only rigid structures. Even taken together, these documents would not teach one of skill in the art a technique for certifying calibration of a wheel aligner, which would involve assembling connectable spacers and axles of a portable jig, so as to form the jig into a precise known vehicle-sized shape and disassembling the jig after determining the accuracy of the wheel aligner, as expressly recited in claim 26. Hence, the DSP400 document whether taken with Gender or Stieff, would not render claims 26 and 28 unpatentable.

For the reasons outlined above, the documents applied to reject claims 26 and 28 do not teach all of the steps of the methods claimed. Hence, the obviousness rejections of those claims also should be withdrawn.

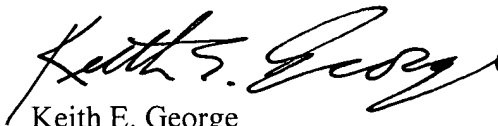
Upon entry of the above claim amendments, claims 1-24, 26 and 28 remain active in this application, all of which should be novel and patentable over the various documents and/or combinations thereof cited in the art rejections. Applicant therefore submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the September 26, 2005 Office Action. However, if any further issue should arise that may be addressed in an interview or by an Examiner's amendment, it is requested that the Examiner telephone Applicant's representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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